

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION

IN RE: Dr. Dennis Hart
AAD NO. 91-005/ISA

ORDER

This matter came before Hearing Officer McMahon for oral argument on January 9, 1992, pursuant to a Motion to Intervene Out of Time filed by John and Cynthia Larned, abutters to the property which is the subject of the above referenced application. Michelle Theroux appeared on behalf of the petitioners. Applicant's counsel Donald J. Packer and attorney for the Division of Groundwater and ISDS Michael K. Marran objected to the granting of the motion.

Upon review of the documents and after oral argument, I find the following:

1. Petitioners were given notice of the within matter, as abutters, in the Notice of Administrative Hearing and Pre-Hearing Conference dated July 22, 1991.
2. The Pre-Hearing Conference was held August 8, 1991, as set forth in the Notice.
3. Petitioners' Motion to Intervene Out of Time was filed on November 18, 1991.
4. Pursuant to Rule 13(c) of the Administrative Rules of Practice and Procedure for the Department of Environmental Management Administrative Adjudication Division for Environmental Matters, any petition to intervene shall be filed "not later than seven (7) days prior to the date set for the initial pre-hearing conference."
5. Petitioners have failed to establish a basis for deviating from the requirements of Rule 13(c).

Wherefore, it is hereby

ORDERED

Petitioners' Motion to Intervene Out of Time is DENIED.

Entered as an Administrative Order this 9th day of
January, 1992.



Mary F. McMahon
Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, 4th floor
Providence, RI 02908
(401) 277-1357

CERTIFICATION

I hereby certify that I cause a true copy of the within to be forwarded via regular mail, postage pre-paid to Michelle Theroux, Esquire, Adler, Pollock & Sheehan, 2300 Hospital Trust Tower, Providence, RI 02903; Dennis Esposito, Esquire, Adler, Pollock & Sheehan, 2300 Hospital Trust Tower, Providence, RI 02903; Donald J. Packer, Esquire, 1220 Kingstown Road, Peace Dale, RI 02883; and Michael K. Marran, Esquire, Two Charles Street, Providence, RI 02904 on this 16th day of January, 1992.



STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

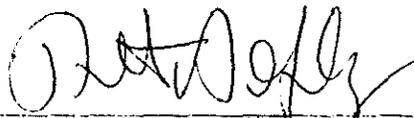
RE: Application of Dennis Hart
No. 8905-26

MOTION TO INTERVENE OUT OF TIME

Now come John Larned and Cynthia Larned, objectors to the above-referenced application and petition this Honorable Administrative Hearing Board to allow them to intervene out of time so that their objections may be heard. Further, as abutters to the subject property, these objectors will present scientific and expert testimony evidence of the detrimental effects to their property in the event the above-referenced application is granted

This motion is made in conformity with the Administrative Rules of Practice and Procedure for the Department of Environmental Management.

Respectfully Submitted
John and Cynthia Larned
By their Attorney,



Robert D. Goldberg
GOLDBERG LAW OFFICES
226 Cottage Street, Box 557
Pawtucket, RI 02862-0557
728-1510

Dated this 14th day of November, 1991

CERTIFICATION

I hereby certify that on the 14th day of November, 1991, I mailed a true copy of this motion to Donald J. Packer, Esq., 1220 Kingstown Road, Peace Dale, RI 02883 and to Michael Marrin, Esq., Office of Legal Services, DEM, 9 Hayes Street, Providence, RI 02908.



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